

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

BRENDA PARKER,	§	
<i>Plaintiff,</i>	§	
	§	
vs.	§	CIVIL ACTION NO. H-06-1767
	§	
BAYSHORE MEDICAL CENTER, INC.	§	
<i>Defendant.</i>	§	

**ORDER**

This employment dispute is before the court on defendant's second (Dkt. 35) and third (Dkt. 37) motions to compel. Plaintiff Brenda Parker has not responded.

By order issued July 5, 2007, the court ordered Parker to respond to defendant's first set of interrogatories and to produce documents responsive to defendant's first requests for production on or before July 25, 2007 (Dkt. 31). The court cautioned Parker that failure to comply could result in sanctions, including dismissal of this case.

On July 25, 2007, Parker sought an extension of time to respond to defendant's discovery, which the district court denied (Dkt. 34). Parker to date has not provided any discovery responses, and she failed to appear for her deposition noticed for August 1, 2007. Defendant has been forced to file two more motions to compel, on August 1, 2007 and August 24, 2007, which Parker has left unanswered.

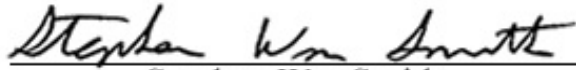
Parker's counsel withdrew from this case on February 22, 2007. Parker has had ample time to engage new counsel, but having failed to do so she must diligently prosecute this case *pro se* or suffer dismissal. Parker has expressed to defendant's counsel an unwillingness to

go forward with discovery without representation. However, her lack of representation does not excuse her failure to comply with this court's orders or her discovery obligations in this case. "Even pro se litigants are under an obligation to obey discovery orders." *Morton v. Harris*, 628 F.2d 438, 440 (5th Cir. 1980). Parker has previously been cautioned that her failure to respond to discovery could lead to dismissal of this case.

Due to Parker's failure to comply with her discovery obligations and failure to diligently prosecute this case, the court recommends that this case be dismissed without prejudice. *See* FED. R. CIV. PRO. 37(d), 41(b).

The parties have ten days from service of this Memorandum and Recommendation to file written objections. Failure to file timely objections will preclude appellate review of factual findings or legal conclusions, except for plain error. *See* FED. R. CIV. P. 72.

Signed at Houston, Texas on September 17, 2007.

  
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Stephen Wm Smith  
United States Magistrate Judge